

REMARKS

Claims 1-98 and 100-216 are pending in the application in accordance with this response. Claim 99 was previously cancelled. Claim 76 was previously amended. Applicant thanks the Examiner for removing rejections of claims 4, 6, 23, 25, 42, 44, 61, 63, 98, 100, 118, 120, 138, 140, 159, 161, 179, 181, 199, and 201 under 35 USC §112 in concert with the discussion in Paragraph 3 of the Office Action. Also, Applicant thanks the Examiner for removing the objection to claim 76. Claims 214-216 are being added in this response.

Claim Rejections – 35 USC §102

Claims 1-3, 5, 7, 10, 13, 14, 16, 17, 19-22, 24, 29, 32, 33, 35, 36, 38-41, 43, 48, 51, 52, 54, 55, 57-60, 62, 67, 70, 71, 73, 74, 76, 93-97, 99, 104, 107, 108, 110, 111, 113-117, 119, 124, 127, 128, 130, 131, 133-137, 139, 144, 147, 148, 150, 151, 153-158, 160, 162, 165, 168, 169, 171, 172, 174-178, 180, 185, 188, 189, 191, 192, 194-198, 200, 205, 208, 209, 211, and 212 are rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 5,765,138 (Aycock et al.). As admitted in the Office Action, “Examiner acknowledges that Aycock does not teach a supply chain but does teach the evaluation of a supplier. Although applicant gives specific passages from the specification further defining a supply chain, the claims are directed to the evaluation of the performance of a supplier in a supply chain. Inherently, a supplier of goods or services is part of a supply chain.” (Paragraph 4 of the Office Action.) Applicant is amending claims 1, 20, 39, 58, 93, 113, 133, 153, 174, and 194 to include additional features. Claim 1 is amended to include the features for “determining said **supply chain**” and “displaying performance indicators for said **supply chain**, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain”. (Emphasis added.) These features are supported by the specification as originally filed. For example, (Paragraph 45. Emphasis added.):

Figure 6 shows the actuals evaluation screen 220, accessed by selecting the actuals hyperlink button 216 on menu selection 300. The actuals evaluation screen 220 contains key performance indicators (KPI) by which suppliers may be measured. Suppliers KPI are viewed **by channel (supply chain)** either aggregated up to ‘All Suppliers’ or at a supplier, division, or department level. The supplier KPI may include Lateness of Order, Completeness of Order, and Service Level. The Trend button produces a Trend graph

plotting Teams View scores overtime. The actuals data may be extracted from an RMS database. The foregoing list of possible KPI is not intended to be inclusive, and other performance indicators may be utilized.

The specification further discloses (Paragraph 46. Emphasis added.):

The select channel field 221 provides a list box from which a user can select the **supply chain**. A select supplier field 222 provides a list of values from which a user may select a single supplier or 'all suppliers.' The user may enter the first letters of the name and the nearest match will be found, or the scroll bar can be used. The select division field 223 and select department field 224 provide list boxes from which the user may select a division and the department, respectively.

Applicant submits that Aycock does not teach or even suggest the features for "determining said supply chain" and "displaying performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain". Similarly, claim 20 includes the features for "determining said supply chain" and "displaying performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain"; claim 39 includes "a module/component determining said supply chain" and "a module/component displaying performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain"; claim 58 includes "an interface displaying performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain" and "a processor determining said supply chain and producing an evaluation score for at least one supplier based on inputted data"; claim 93 includes features for "determining a supply chain" and "generating at least one performance indicator for said supply chain, said at least one performance indicator relating to the at least one supplier with respect to at least one other supplier"; claim 113 includes the features for "determining a supply chain" and "generating at least one performance indicator for said supply chain, said at least one performance indicator relating to the at least one supplier with respect to at least one other supplier"; claim 133 includes "a module/component determining said supply chain" and "a module/component generating at least one performance indicator for said supply chain, said at least one performance indicator relating to the at least one supplier with respect to at least one other supplier"; claim 153 includes features for "determining said supply chain" and "evaluating the suppliers for said supply chain

based on the performance information”; claim 174 includes the features for “determining said supply chain” and “evaluating the suppliers for said supply chain based on the performance information”; and claim 194 includes “a module/component determining said supply chain” and “a module/component evaluating the suppliers for supply chain based on the performance information”. Claims 2-3, 5, 7, 10, 13, 14, 16, 17, 19, 21-22, 24, 29, 32, 33, 35, 36, 38-41, 43, 48, 51, 52, 54, 55, 57, 59-60, 62, 67, 70, 71, 73, 74, 76, 94-97, 104, 107, 108, 110, 111, 114-117, 119, 124, 127, 128, 130, 131, 134-137, 139, 144, 147, 148, 150, 151, 154-158, 160, 162, 165, 168, 169, 171, 172, 174-178, 180, 185, 188, 189, 191, 192, 195-198, 200, 205, 208, 209, 211, and 212 depend from independent claims 1, 20, 39, 58, 93, 113, 133, 153, 174, and 194. Thus, Applicant submits that claims 1-3, 5, 7, 10, 13, 14, 16, 17, 19-22, 24, 29, 32, 33, 35, 36, 38-41, 43, 48, 51, 52, 54, 55, 57-60, 62, 67, 70, 71, 73, 74, 76, 93-97, 104, 107, 108, 110, 111, 113-117, 119, 124, 127, 128, 130, 131, 133-137, 139, 144, 147, 148, 150, 151, 153-158, 160, 162, 165, 168, 169, 171, 172, 174-178, 180, 185, 188, 189, 191, 192, 194-198, 200, 205, 208, 209, 211, and 212 are not anticipated by Aycock for at least the above reasons and requests for reconsideration.

Claims 1, 2, 7-9, 11, 12, 15, 18, 20, 26-28, 30, 31, 34, 37, 39, 45-47, 49, 50, 53, 56, 58, 64-69, 72, 75, 93, 94, 96, 101-103, 105, 106, 109, 112-114, 116, 121-123, 125, 126, 129, 132-134, 136, 141-143, 145, 146, 149, and 152 are rejected under USC §102(b) as being anticipated by U.S. Patent No. 6,008,817 (Gilmore). As admitted in the Office Action, “Examiner acknowledges that Gilmore does not teach a supply chain but does teach the evaluation of a supplier supplying automobiles. As stated above, Although Gilmore does not specifically teach a supply chain, inherently a supplier of foods is part of a supply chain.” (Paragraph 5 of the Office Action.) Regarding claim 1, as amended, Applicant submits that Gilmore does not teach or even suggest the features for “determining said supply chain” and “displaying performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain”. For similar reasons, as discussed above, Applicant submits that independent claims 20, 39, 58, 93, 113, 133, 153, 174, and 194 are not anticipated by Gilmore. Claims 2-3, 5, 7, 10, 13, 14, 16, 17, 19, 21-22, 24, 29, 32, 33, 35, 36, 38-41, 43, 48, 51, 52, 54, 55, 57, 59-60, 62, 67, 70, 71, 73, 74, 76, 94-97, 104, 107, 108, 110, 111, 114-117, 119, 124, 127, 128, 130, 131, 134-137, 139, 144, 147, 148, 150, 151, 154-158,

160, 162, 165, 168, 169, 171, 172, 174-178, 180, 185, 188, 189, 191, 192, 195-198, 200, 205, 208, 209, 211, and 212 depend from independent claims 1, 20, 39, 58, 93, 113, 133, 153, 174, and 194. Thus, Applicant submits that claims 1-3, 5, 7, 10, 13, 14, 16, 17, 19-22, 24, 29, 32, 33, 35, 36, 38-41, 43, 48, 51, 52, 54, 55, 57-60, 62, 67, 70, 71, 73, 74, 76, 93-97, 104, 107, 108, 110, 111, 113-117, 119, 124, 127, 128, 130, 131, 133-137, 139, 144, 147, 148, 150, 151, 153-158, 160, 162, 165, 168, 169, 171, 172, 174-178, 180, 185, 188, 189, 191, 192, 194-198, 200, 205, 208, 209, 211, and 212 are not anticipated by Aycock for at least the above reasons and requests for reconsideration.

Claim Rejections - 35 USC §103(a)

Claims 163, 164, 166, 167, 170, 173, 183, 184, 186, 187, 190, 193, 203, 204, 206, 207, 210, and 213 are rejected under USC §103(a) as being unpatentable over Aycock in view of Gilmore. As discussed above, neither Aycock, nor Gilmore, nor the combination of Aycock and Gilmore teach or even suggest features for “determining said supply chain” and “evaluating the suppliers for said supply chain based on the performance information” as included in claim 153, features for “determining said supply chain” and “evaluating the suppliers for said supply chain based on the performance information” as included in claim 174, and features for “a module/component determining said supply chain” and “a module/component evaluating the suppliers for supply chain based on the performance information” as included in claim 194. Because claims 163, 164, 166, 167, 170, 173, 183, 184, 186, 187, 190, 193, 203, 204, 206, 207, 210, and 213 depend from independent claims 153, 174, and 194, Applicant submits that these claims are patentable over Aycock in view of Gilmore and requests for reconsideration.

Claims 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, and 92 are rejected under USC §103(a) as being unpatentable over Aycock in view of reference “An Exploratory Study of the Perceived Benefits of Electronic Bulletin Use and Their Impact on Other Communication Activities” (James et al.). Applicant submits that the combination of Aycock and James do not teach or even suggest the features for “determining said supply chain” and “displaying performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain” as included in claim 1, features for “determining said supply chain” and “displaying performance

indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain” as included in claim 20, features for “a module/component determining said supply chain” and “a module/component displaying performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain” as included in claim 39, and features for “an interface displaying performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain” and “a processor determining said supply chain and producing an evaluation score for at least one supplier based on inputted data” as included in claim 58 . Because claims 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, and 92 depend from independent claims 1, 20, 39, and 58, Applicant submits that these claims are patentable over Aycock in view of James and requests for reconsideration.

Claims 4, 6, 23, 25, 42, 44, 61, 63, 98, 100, 118, 120, 138, 140, 159, 161, 179, 181, 199, and 201 are rejected under 35 USC §103(a) as being unpatentable over Aycock. Aycock in combination with the Official notice that “it is well known in the state of the art of supply chain management that the evaluation of a supplier would take into account pre-season and in-season performance” does not teach or even suggest the features for “determining said supply chain” and “displaying performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain” as included in claim 1, features for “determining said supply chain” and “displaying performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain” as included in claim 20, features for “a module/component determining said supply chain” and “a module/component displaying performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain” as included in claim 39, features for “an interface displaying performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain” and “a processor determining said supply chain and producing an evaluation score for at least one supplier based on inputted data” as included in claim 58, features for “determining a supply chain” and

“generating at least one performance indicator for said supply chain, said at least one performance indicator relating to the at least one supplier with respect to at least one other supplier” as included in claim 93, features for “determining a supply chain” and “generating at least one performance indicator for said supply chain, said at least one performance indicator relating to the at least one supplier with respect to at least one other supplier” as included in claim 113; features for “a module/component determining said supply chain” and “a module/component generating at least one performance indicator for said supply chain, said at least one performance indicator relating to the at least one supplier with respect to at least one other supplier” as included in claim 133, features for “determining said supply chain” and “evaluating the suppliers for said supply chain based on the performance information” as included in claim 153, features for “determining said supply chain” and “evaluating the suppliers for said supply chain based on the performance information” as included in claim 174; and features for “a module/component determining said supply chain” and “a module/component evaluating the suppliers for supply chain based on the performance information” as included in claim 194. Because claims 4, 6, 23, 25, 42, 44, 61, 63, 98, 100, 118, 120, 138, 140, 159, 161, 179, 181, 199, and 201 depend from independent claims 1, 20, 39, 58, 93, 113, 133, 153, 174, and 194, Applicant submits that these claims are patentable over Aycock.

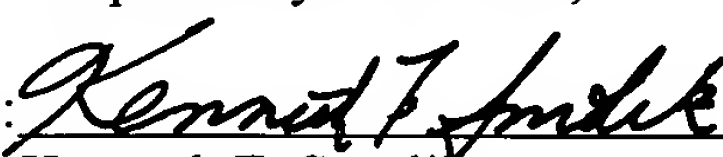
CONCLUSION

Claim 100 is amended to depend from claim 97 rather than claim 99, which was previously cancelled.

Claims 214-216 are added. All the added claims are based upon information disclosed in the present patent application.

All objections and rejections have been addressed. Hence, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is earnestly solicited.

Date: August 13, 2003

Respectfully submitted,
By: 
Kenneth F. Smolik
Registration No. 44,344
BANNER & WITCOFF, LTD.
10 South Wacker Drive
Suite 3000
Chicago, Illinois 60606
Direct Line: 312-463-5419
Facsimile: 312-463-5001